



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)

FAX 410-313-3467

TDD 410-313-2323

May 11, 2009

**TECHNICAL STAFF REPORT**

*Petition Accepted on October 14, 2008*

*Planning Board Meeting of May 28, 2009 (Advisory Authority Rules)*

*Zoning Board Hearing to be scheduled*

**Case No./Petitioner:** ZB 1079M – High's of Baltimore

**Location:** Fourth Election District  
East side of MD 97 approximately 2,900 feet south of MD 144  
(Frederick Road)  
Tax Map 14, Grid 5, Parcel 256; 2145 MD 97

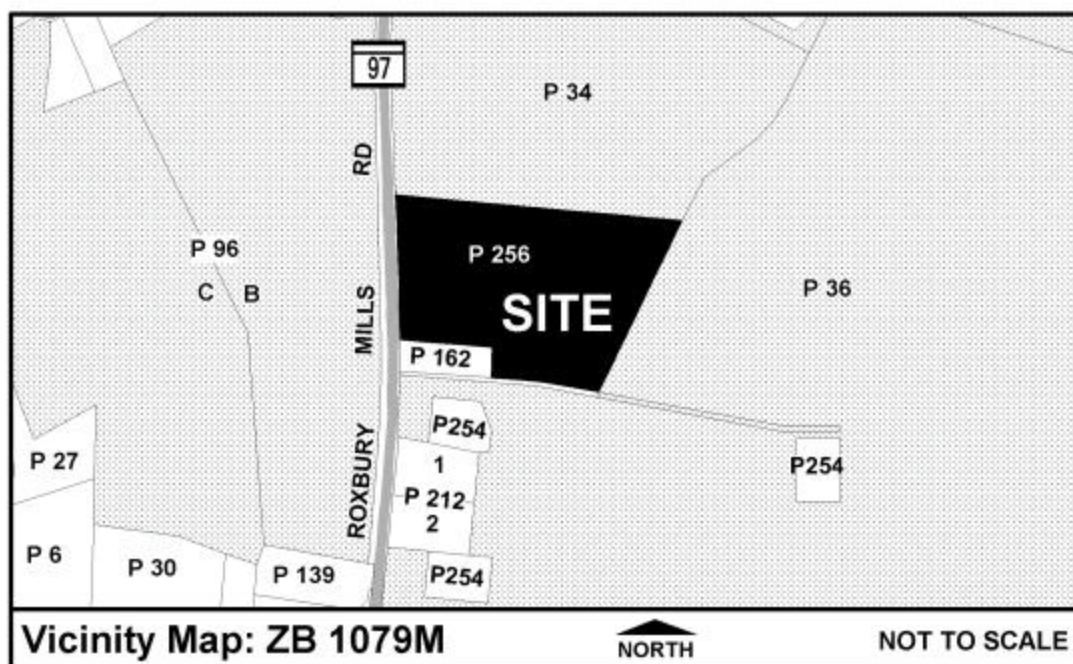
**Area of Site:** 13.90 acres (the "Property")

**Area of Proposed Use:** 7.169 acres (the "Site")

**Current Zoning of Site:** BR (Business: Rural) **Proposed Zoning of Site:** BR (Business: Rural)

**Department of Planning and Zoning Recommendation:**

**APPROVAL**



## I. DESCRIPTION OF PROPOSAL

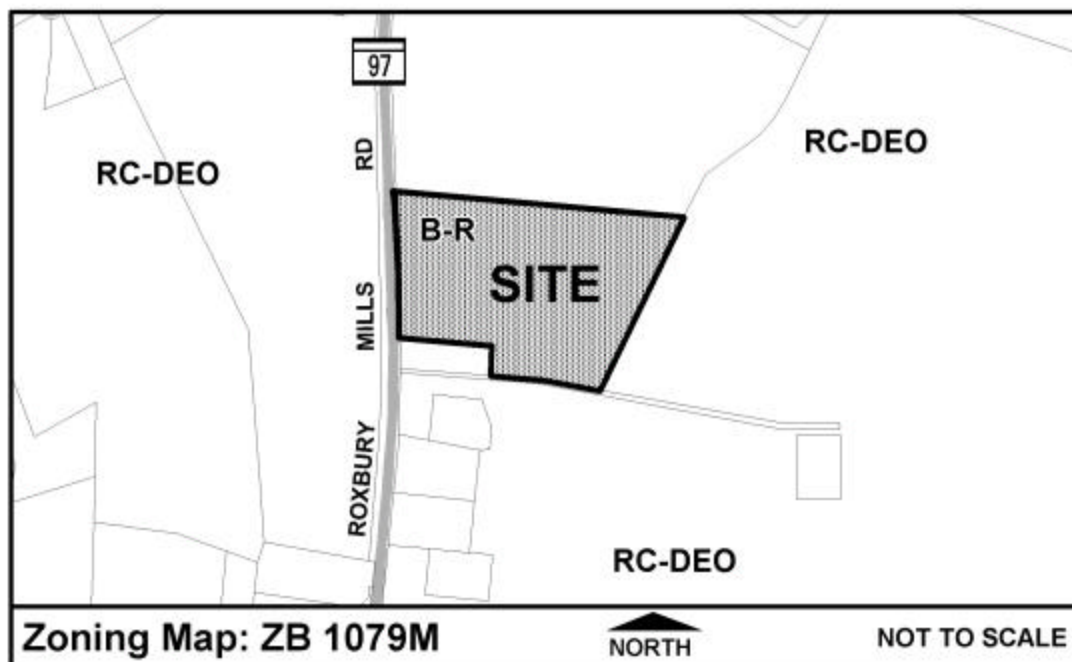
- **The Petitioner requests approval of an amended Preliminary Development Plan (the “Amended PDP”) to a previously approved Preliminary Development Plan in which the Property was rezoned from RC to the current BR (Business: Rural) District in accordance with Section 117.1.**

The entire 13.90 acre Property was rezoned to BR with Zoning Board case 946M; however, development was limited to a 1.5 acre portion of the Site.

- **The area of proposed development on the Amended PDP is a 7.169 acre portion (the “Site”) of the 13.90 acre Property. Under the proposal, the Site would be redeveloped and modernized with a gasoline service station, a convenience store and a farm supply store with an amended PDP, entitled Amended Preliminary Development Plan Site Plan; Ridgely Property-Glenwood; Proposed Lawn, Garden and Farm Supply Store; Proposed High's Convenience Store; dated July, 2008**

The Property is currently improved with a gasoline service station comprising six gas pumps and a convenience store located in the northern portion of the Property. Under the current proposal the convenience store would be razed and replaced with a new convenience store and the gas pump islands would be reconfigured. The proposed farm supply store would be a new use on the Site.

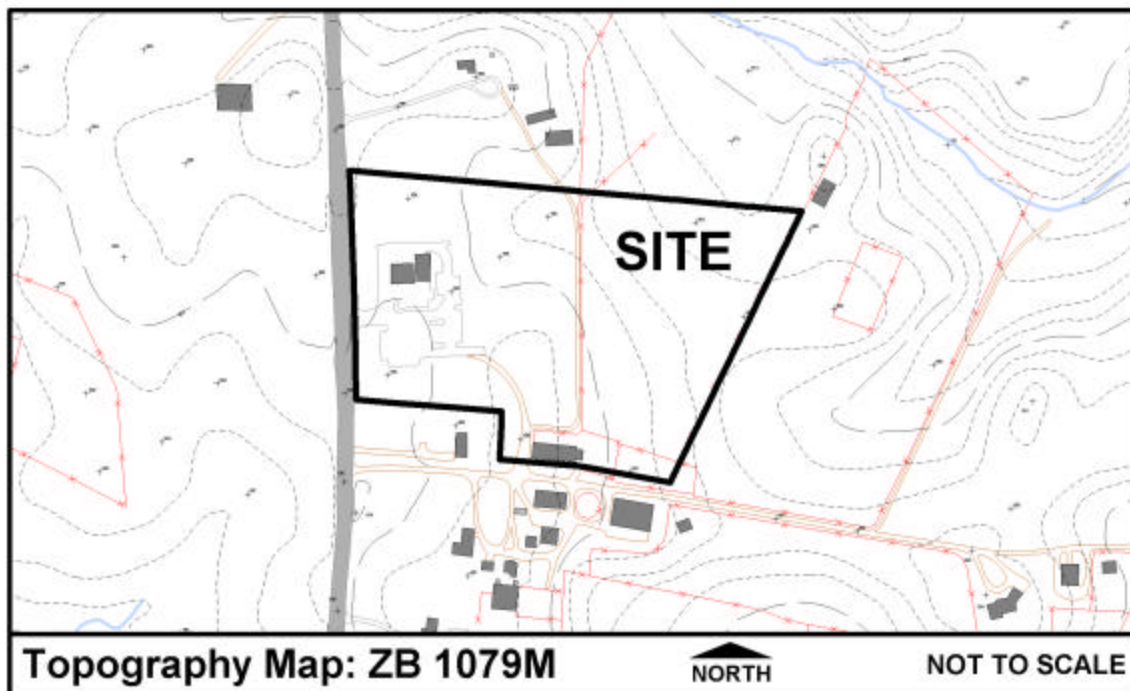
A proposed 3,500 square foot convenience store and a proposed 48 foot by 115 foot canopy covering four gas pump islands containing a total of 16 fueling stations would be located in the southwestern portion of the Site. The convenience store would be set back approximately 200 feet from MD 97 and the gas pump canopy would be set back approximately 95 feet from MD 97. The gasoline service station and convenience store would be open seven days per week and the hours of operation would be 5:30 a.m. through 11:00 p.m. A total of 21 parking spaces would be located on the west, north, and south sides of the convenience store.



A proposed 12,226 square foot farm supply store building would be located in the northern portion of the Site. This building would be set back approximately 180 feet from MD 97. A 70 foot by 18 foot garden center is depicted on the building's north side and a 1,260 square foot outdoor display area is depicted on its northeast side. A 100 foot by 145 foot gravel lot/storage area is shown on the east side of the farm supply store building. The farm supply store would be open seven days per week and the hours of operation would be 7:00 a.m. through 7:00 p.m. Monday through Saturday and 11:00 a.m. through 5:00 p.m. on Sunday. It is anticipated that there would be three employees on site at any time. Forty eight parking spaces would be located on the west side of the building and 25 spaces would be located on the south side of the building. A total of 94 parking spaces would be on the Site.

The existing driveway entrance would be removed and a new 35 foot wide driveway located approximately 220 feet from the northwest corner of the Site (approximately 80 feet north of the existing driveway entrance) would provide access.

The existing septic area at the rear of the Site will continue to be utilized for the proposed uses. A barn is situated adjacent to the south property line. A landscape plan is included in the submitted plan.



- **The tabulation shown on the Amended PDP indicates that the proposed parking for the proposed uses on the Site exceeds the required amount.**

Section 133.D.4. requires three parking spaces for a gasoline service station without service bays and two parking spaces per 1,000 square feet for a convenience store ancillary to a gasoline service station. For the 3,500 square foot convenience store, seven parking spaces are required. A total of ten parking spaces are required for the convenience store and gasoline service station and 24 spaces have been provided for these uses.

Five parking spaces per 1,000 square feet of retail space are required. For the 12,226 square foot farm supply store, 62 spaces are required, and two spaces are required for the 1,260 square foot outdoor display area for a total of 64 required spaces for these uses. A total of 74 spaces are required for the combined uses on the Site, and 94 spaces have been provided.

## **II. BACKGROUND INFORMATION**

### **A. Site Description**

- The Property located on the east side of MD 97 approximately 2,900 feet south of MD 144 (Frederick Road) is roughly L-shaped, with approximately 558 feet of frontage on MD 97. Access is via a 35 foot wide driveway located approximately 300 feet from the northwest corner of the Site.
- Pursuant to Site Development Plan 96-064, the Property was approved (June 14, 1996) for development with a 2,110 square foot convenience store and gasoline service station, a 3,000 square foot retail building, and a 6,000 square foot retail building including farm machinery and equipment sales. Only the gasoline service station and convenience store were constructed; however, and these improvements are concentrated in the front northern portion of the Property.

#### Other Background Information:

- Three commercial buildings were approved for the Property with Zoning Board case 946M: a gasoline service station with 2,000 square feet of gross floor area; a retail building including farm machinery and equipment sales and repair with 6,000 square feet gross floor area; another retail building with 3,000 square feet gross floor area. A 6,000 square foot outdoor storage area was also approved.

### **B. Vicinal Properties**

- All vicinal properties are zoned RC-DEO. The Property is located in an area primarily characterized by agricultural uses and large residential parcels.
- Parcel 34, the 44.07 acre abutting parcel to the north is a residential property encumbered with an Agricultural Preservation Easement. Parcel 36 the 168.77 acre abutting farm property to the east is also encumbered with an Agricultural Preservation Easement.
- To the west across MD 97 is a 189.3 acre property which extends to the MD 144 right-of-way to the north. The land directly across from the Property is used for agricultural purposes.

**C. Roads**

- MD 97 has two travel lanes with a deceleration lane south of the Property frontage within a right-of-way width of 60 feet. The posted speed limit for this section of MD 97 is 50 miles per hour.
- Visibility from the proposed driveway entrance appears to be acceptable, with estimated sight distance of more than 500 feet to the south and north. Precise sight distance measurements may only be determined through a detailed sight distance analysis, however. State Highway Administration comments regarding access are attached this Technical Staff Report and must be addressed by the Petitioner.
- There is no available traffic information for MD 97 south of MD 144; however, according to data from the State Highway Administration, the traffic volume on MD 97 north of MD 144 was 15,711 AADT (average annual daily trips) as of 2007.

**D. Water and Sewer Service**

- The subject Property is not within the Metropolitan District and is within the No Planned Service Area according to the Howard County Geographic Information System maps.

The Property is served by private well and septic facilities.

**E. General Plan**

- The Property is designated Rural Conservation on the Policies Map 2000-2020 of the 2000 General Plan.
- MD 97 is depicted as a Minor Arterial on the Transportation Map 2000-2020 of the 2000 General Plan.

**F. Agency Comments**

See attached comments on the proposal from the following agencies:

1. State Highway Administration
2. Department of Inspections, Licenses and Permits
3. Howard County Health Department

The following agencies had no objections to the proposal:

1. Department of Recreation and Parks
2. Department of Fire and Rescue

**III. ZONING HISTORY**

- A.**
- |                    |   |
|--------------------|---|
| <b>Case No.</b>    | <b>ZB 946M</b>  |
| <b>Petitioner:</b> | <b>Arthur Brice Ridgely, Mary Ann Ridgely, Steven Randolph Ridgely, William Worthington Ridgely III</b> |
| <b>Request:</b>    | <b>To rezone 13.0 acres from RC to BR</b>   |
| <b>Action:</b>     | <b>Granted, March 11, 1994.</b>   |

#### **IV. EVALUATIONS AND CONCLUSIONS**

**A. Evaluation of petition according to Section 117.1.B. of the Zoning Regulations (Requirements for Business: Rural):**

This section was evaluated in ZB 946M and it is not necessary to reevaluate it under the current proposal for an amended Preliminary Development Plan as the Property has been determined to have met the requirements necessary for the creation of the BR District and there are no proposed changes to this portion of the original proposal.

**B. Evaluation of petition according to Section 117.1.G. of the Zoning Regulations (Procedure for Creation of a BR District):**

**Section 117.1.G.1.:**

This section was evaluated in ZB 946M and it is not necessary to reevaluate it under the current proposal for an amended Preliminary Development Plan as the entire 13.90 acre Property is currently zoned BR and there are no proposed changes to the approved boundary survey or other criteria of this section.

**Section 117.1.G.2.:**

Only the section proposed to be modified by the current proposal has been reevaluated.

- a. The new proposed use as a farm supply store use is permitted as a matter of right in the BR district according to Section 117.1.C.12. (Convenience stores not to exceed 4,000 square feet and gasoline service stations are also permitted as a matter of right; however, these uses were previously approved uses on the Site).

**Section 117.1.G.3:**

- a. This section requires that the proposed district will accomplish the purposes of the BR District. In this case, the Property is currently zoned BR, so the criteria that the purpose of the BR District which is to “allow the development of businesses which will support the agricultural industry, serve the needs of the rural residential and farming communities, and provide opportunity for a combination of business and industrial uses not otherwise permitted in the rural areas of the County” has been met. An evaluation of this criterion for the newly proposed farm store use would be required; however. The petition states that the site was initially approved for a farm supply store and given the fact that the rural residential population has increased in the area since the approval, this use, as well as the gasoline service station and convenience store supports the agricultural industry, serves the needs of the rural residential and farming communities, and provides opportunity for a combination of business and industrial uses not otherwise permitted in the rural areas of the county. Section 117.1.C.30 permits farm supply stores as a matter of right in the BR District, and this use is compatible with the existing approved uses on the Property and will support the surrounding agricultural and farming community. The petition meets the criterion of this section.
- b. There are no proposed changes to this section.

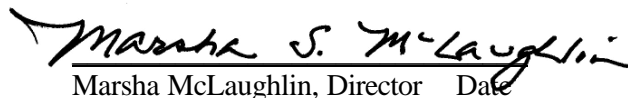
- c. MD 97 is a Minor Arterial road and access and visibility conditions would likely continue to be appropriate for serving the traffic generated by the proposed uses provided State Highway Administration (SHA) comments regarding access are addressed by the Petitioner.
- d. SHA comments did not specifically comment regarding visibility; however, all SHA comments must be addressed by the Petitioner at the site development plan stage.
- e. The submitted landscape plan indicates that screening along the Property's boundaries will provide adequate buffering from adjacent properties in accordance with the Howard County Landscape Manual.

#### IV. RECOMMENDATION

#### APPROVAL

For the reasons noted above, the Department of Planning and Zoning recommends that the request for an amended Preliminary Development Plan (the "Amended PDP") for a gasoline service station, a 3,500 square foot convenience store and a 12,226 square foot farm supply store as described in the petition and as depicted on the submitted Amended Preliminary Development Plan dated July, 2008 be **APPROVED** subject to the following condition:

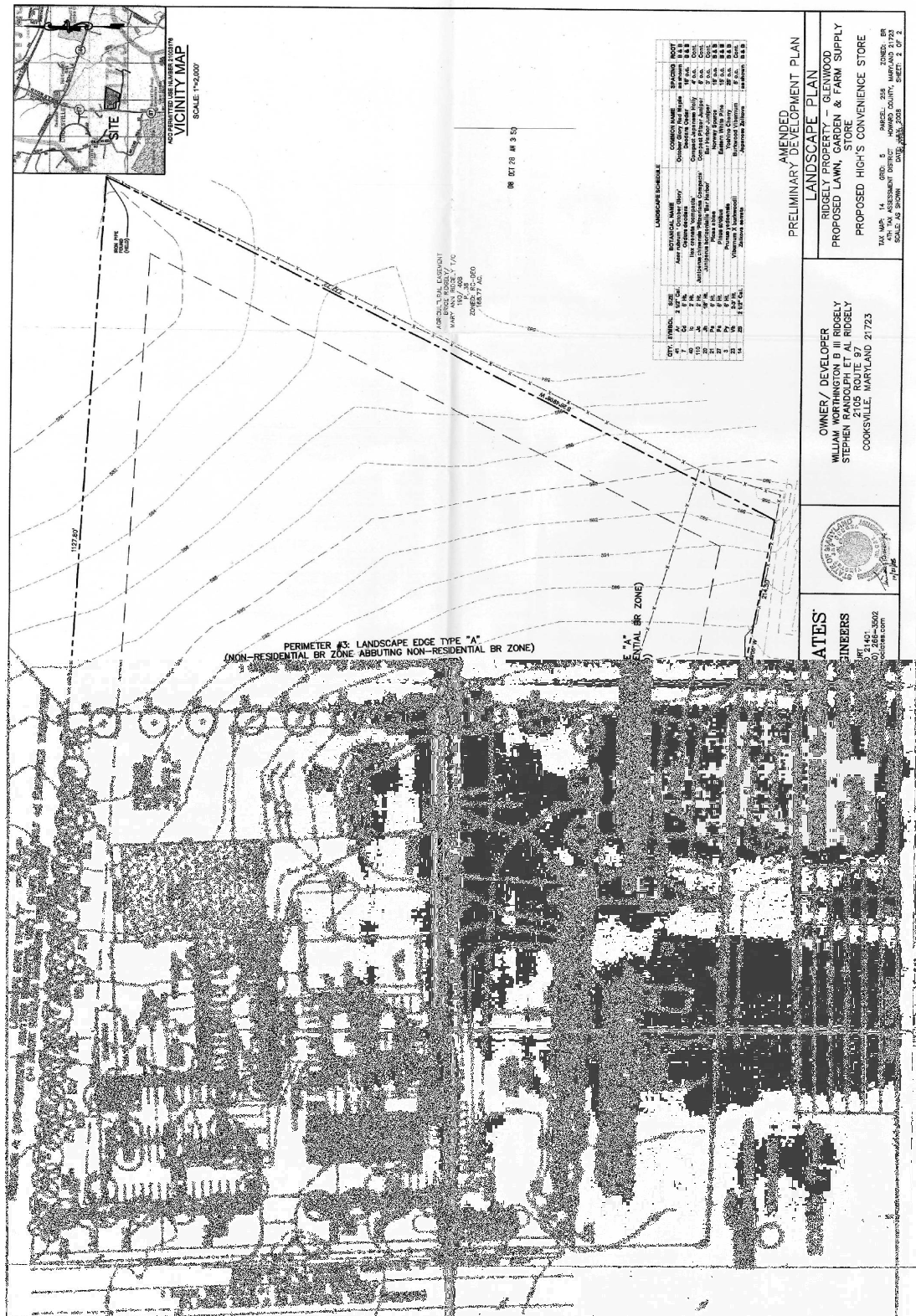
- 1. The Petitioner must comply with all agency comments.

  
Marsha McLaughlin, Director      Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

MM/ZLK/zlk









Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

State Highway  
Administration

John D. Porcari, Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation  
May 5, 2009

Mr. George Beisser, Chief  
Zoning Administration and Public Service  
3430 Courthouse Drive  
Ellicott City, Maryland 21043

RE: Howard County  
MD 97 (Roxbury Mills Road)  
Ridgely Property  
High's Convenience Store & Farm Supply Store  
Petition No. ZB 1079M

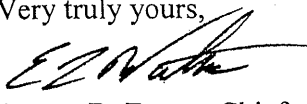
Dear Mr. Beisser:

Thank you for the opportunity to review and comment on the above referenced zoning board petition for approval of an amended preliminary development plan. The State Highway Administration, (SHA) has the following comments and concerns regarding this action.

1. It appears that the amended preliminary development plan will result in an increase of fueling stations from eight (8) to sixteen (16), as well as, an increase in allowable retail use from 11,000 square feet to 16,000 square feet. The amended preliminary development plan will result in significant additional trip generation potential. As such, SHA requests five (5) copies of a transportation impact analysis to determine an appropriate access configuration.
2. The amended preliminary development plan relocates the existing access point approximately 70 feet to the north of its current location. This will effectively result in the shortening of the existing acceleration lane in the northbound direction and the offset of the existing bypass lane in the southbound direction. Both of these outcomes will negatively impact the safety and operations of the proposed access. As mentioned in the previous comment, a transportation impact analysis will be required to determine the appropriate length of the required acceleration, deceleration, and bypass/left-turn lane.
3. Please note, SHA will require bicycle compatibility in conjunction with any frontage improvements along MD 97. Therefore, the northbound deceleration and acceleration lanes will need to be widened to 16 feet.

Given the above comments, **SHA recommends deferral of approval** until the comments have been adequately addressed. If you have any questions, please contact Dan Doherty at 410-545-5584 or our toll free number in Maryland only 1-800-876-4742. You may also e-mail him at ([ddoherty@sha.state.md.us](mailto:ddoherty@sha.state.md.us)).

Very truly yours,



For Steven D. Foster, Chief  
Engineering Access Permits Division

cc: Mr. Dave Coyne  
Mr. John Concannon

